

AMENDED IN SENATE AUGUST 22, 2005

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN SENATE JUNE 30, 2005

AMENDED IN SENATE JUNE 22, 2005

AMENDED IN SENATE JUNE 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1044

Introduced by Assembly Member Aghazarian

February 22, 2005

An act to add Sections 1243 ~~and 20343~~, 20343, 31563, and 45310.3 to the Government Code, relating to elected public officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1044, as amended, Aghazarian. Public officers: retirement benefits forfeiture.

Existing law provides that any person receiving an allowance from a public retirement system who is charged with any of certain felonies arising out of his or her former official duties shall have that allowance suspended if he or she leaves the jurisdiction of the court, as specified.

This bill would provide that any elected public officer, who takes office, or is reelected to office, on or after January 1, 2006, shall forfeit specified retirement benefits that accrue during his or her term of office if he or she is convicted of any of those felonies arising out of his or her official duties, unless the governing body authorizes the public officer to receive benefits. The bill would provide that any contributions made by the elected public officer that arose directly

from or accrued solely as a result of his or her forfeited service as an elected public officer shall be returned, as specified.

The bill would require the officer's employer to notify the retirement system of the officer's conviction, as specified. The bill would also provide that a person ceases to be a member of the Public Employees' Retirement System, *a county retirement system, or a city retirement system* for the portion of his or her service as an elected public officer that is forfeited.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1243 is added to the Government Code,
2 to read:
3 1243. (a) This section shall apply to any elected public
4 officer who takes public office, or is reelected to public office, on
5 or after January 1, 2006.
6 (b) If an elected public officer is convicted *during or after*
7 *holding office* of any felony involving accepting or giving, or
8 offering to give, any bribe, the embezzlement of public money,
9 extortion or theft of public money, perjury, or conspiracy to
10 commit any of those crimes arising directly out of his or her
11 official duties as an elected public officer, he or she shall forfeit
12 all rights and benefits under, and membership in, any public
13 retirement system in which he or she is a member, effective on
14 the date of final conviction.
15 (c) The elected public officer described in subdivision (b) shall
16 forfeit only that portion of his or her rights and benefits that
17 ~~arrived on and~~ *accrued on or* after January 1, 2006, on account of
18 his or her service in the elected public office held when the
19 felony occurred.
20 (d) Any contributions made by the elected public officer
21 described in subdivision (b) to the public retirement system that
22 arose directly from or accrued solely as a result of his or her
23 forfeited service as an elected public officer shall be returned,
24 without interest, to the public officer.
25 (e) The public agency that employs an elected public officer
26 described in subdivision (b) shall notify the public retirement

1 system in which the officer is a member of the officer's
2 conviction.

3 (f) An elected public officer shall not forfeit his or her rights
4 and benefits pursuant to subdivision (b) if the governing body of
5 the elected public officer's employer, including, but not limited
6 to, the governing body of a city, county, or city and county,
7 authorizes the public officer to receive those rights and benefits.

8 (g) For purposes of this section, "public officer" means an
9 officer of the state, or an officer of a county, city, city and
10 county, district, or authority, or any department, division, bureau,
11 board, commission, agency, or instrumentality of any of these
12 entities.

13 (h) This section applies to any person appointed to service for
14 the period of an elected public officer's unexpired term of office.

15 SEC. 2. Section 20343 is added to the Government Code, to
16 read:

17 20343. ~~A~~*Notwithstanding Section 21259, a person ceases to*
18 *be a member for any portion of his or her service as an elected*
19 *public officer that is forfeited pursuant to Section 1243.*

20 SEC. 3. *Section 31563 is added to the Government Code, to*
21 *read:*

22 31563. *Notwithstanding any other provision of law, a person*
23 *ceases to be a member for any portion of his or her service as an*
24 *elected public officer that is forfeited pursuant to Section 1243.*

25 SEC. 4. *Section 45310.3 is added to the Government Code, to*
26 *read:*

27 45310.3. *Notwithstanding any other provision of law, a*
28 *person ceases to be a member for any portion of his or her*
29 *service as an elected public officer that is forfeited pursuant to*
30 *Section 1243.*